

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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CARLOS NEGRONI,

Petitioner,

- against -

**BRIAN FISCHER, Superintendent,
Sing Sing Correctional Facility,**

Respondent.
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02 CV 3202 (NG) (VVP)

ORDER

GERSHON, United States District Judge:

The report and recommendation of Magistrate Judge Viktor V. Pohorelsky, dated November 18, 2005, recommends denial of the petition for a writ of habeas corpus. I have reviewed petitioner's objections to the report and recommendation and find them to be without merit. Magistrate Judge Pohorelsky's analysis of the issues presented is correct and his recommendation is adopted.

The petition for a writ of habeas corpus is denied. Since petitioner has failed to make a substantial showing of the denial of a constitutional right, a certificate of appealability is denied pursuant to 28 U.S.C. § 2253(c). Moreover, the court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that *in forma pauperis* status is denied for the purpose of an appeal. The Clerk of Court is directed to close this case.

SO ORDERED.

/S/

**NINA GERSHON
United States District Judge**

Dated: Brooklyn, New York
January 10, 2006